192 File No. 36

(1)

General and Revenue Secretariat.

Part B for April 1939

SUBJECT

G. R. S. APP F.III—1] 1928.

GENERAL AND REVENUE SECRETARIAT.

(Judicial)

NOTES.

File No. 36/28

FILE HEADING.

Appeal petition of Muniswami. against the order of the Muzrai Commr

FROM

Muniswami thro his advocate. M. H. Sreenivasa Rao.

No.	Dated	Received
Diary No. 1561	Enclos. Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

appeals against the order of the Muz Commr re the right to carry Karaga, during the ensuing Kary festival at Bangalore as per manual —

NOTES AND ORDERS.

First members order on the pet'

" The order appealed against is not a pro

This order appears to be made by the D. C and the Party has therefore to make his representation to the Muz. Comr in the first

NOTES—First Sheet.

General and Revenue Secretariat | File No. 451 of 1928

Serial No.

instance. Notice to this effect be sent to the Appellant's advocate by an endorsement today

Mr H Srinivasa Rao was informed accordingly in no 2232 of 15 4 29. The appellant has this day produced the copy of the mag Court's order. on which the 1st member has ordered "no Stay order, & matter called for" the matter has been conducted twice by the Dy. C". & twice by the M.C. the records may be called for."

The mag Court has sent a copy of his letter, inviting instructions to be re- re the celebration of the "Karaga" this year, as no compromise could be brought about between the two parties, a third person, one Sree Ramulu" is permitted to perform the Puja & carry Karaga, his majority of the people appear to have agreed to his arrangement the M.C. also has assented to his arrangement.

From the Mysore Commissioner's letter of — 4-4-29 —, enclosing copy of his order in the matter, it is seen that the case has been remanded for enquiry under the law ~~for orders whether the records should be called for~~

G R S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for record in the file.

GOVERNMENT OF MYSORE

M 358

Dear Mr. Krishna Rao

I am sending herewith copy of an order I have passed in the Bangalore Cantonment case about which I spoke to you. I had a meeting this morning with the

D 1553

SECRETARIAT 13 MYSORE

Submitted for perusal with the orders passed by the D.C. & Mysore in the matter as agreed to by the contending parties. The D.C. has passed an order by which one member representing one faction should

N. B Should routine notes be written on small slips, the notes must be pasted on this form.

[To be used only i

ROUTINE NOTES.

[For notes, requisitions, etc., not intended for permanent record.]

Council subject to
developments, I
am writing the G
but the Government
informed

I had G
leave Bangalore on
some urgent business
tonight and shall
be back on the
fifteenth morning.

Yours sincerely
[illegible]

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions etc., not intended for permanent record.]

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

General and Revenue Secretariat

File No. 361 of 1928

Serial No.

Conduct Puja etc while the other Member representing the opposite faction should carry Karga during the evening of 8th inst and has remanded it for further enquiry the case re Pichakguts. The M.C. states that it was represented to him that performance of puja and the carrying of the Karga cannot be separated, and has referred the case back to the D.C. for an arrangement by which a division of the functions should not be made for the current year if possible by mutual agreement of the parties. In his D.O. the M.C. states that there was a meeting with the D.C Mr K. H. Ramaiyya & the Executive Assistant and expects the matter to be amicably arranged. and

A further Com[n] as to the amicable arrangement agreed upon by both the contending factions may perhaps be awaited.

Submitted

AV
13.4.29

Mr MC has brought the matter to Minister's notice for information of what has been done

15th Sept

15/9

Chief Secy to Govt to address DC to make enquiries in accordance with the established practice & report

C.S.I. & G. 1929
No 6341

WMS
13/4

General and Revenue Secretariat

File No. 361 of 1928

Serial No.

Mysore Comm^n
Memo No C/1660/28-29 dt 15-4-29
Forwards copy of his letter to Dy C^r Bangalore approving of his action in entrusting the puja to the Pary Mah as a predominant majority ~~as~~ asa temporary act".

Subd for perusal. This has already been subd to the members

WW
18/4

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

App F. III—2]

General and Revenue Secretariat

File No. [illegible] of 192[illegible]

Serial No.	
	The present order of the Mysore Govt is of a temporary character. Draft letter to Govt for necessary as ordered by the Hon'ble Member in charge for approval. Ans 18/4 14 Dom Affairs 19/4
3	[illegible] No. D/119-4-[illegible] Re Application of Govt. Mysore for permission to [illegible] Mysore Govt orders agreement carrying on Karaga at Bangalore, Enquiring Mysore Govt Particulars & calls for the Public Records of the case.
4	From. The Mysore Govt No 1709/28-29 Encl. Six files. Dt. 20.4.29. Submits two files of records, relating to the Bangalore Karaga Festival Mysore. Bangalore & two files from his office Secretariat, 15 Dec Karaga Festival Mysore Govt orders. The Mysore Govt orders is of a temporary character. The case relates to the Partnership is remanded to the Mysore for enquiring under the light Ans 22/4

NOTE—Contn. sheet

Serial No.

16 first may not perhaps interfere at this stage. The result of enquiry and of appeals if any to be preferred by the parties thereon & the Revenue authorities can be awaited.

for Registrar

22/4

17 I agree. The records may be returned. The petitioner may be given an endorsement to say that the case is under enquiry by the I.W.O. as ordered by the D.C. and that there are no reasons to interfere with the Order passed by the M.C. for arranging for the sinking of oil on the present occasion.

18 The Endorsement may be issued today.

M.C.
23.4.29

19 Draft attached

20 Drafts sent for approval—Lawrence

21 Done attached

5 To Govt. Advocate Colombo & Deputy Govt. Agent Mullaitivu No. 1843 D/23 4/29 Informing him that there are no fees

NOTE—Contn. sheet

General and Revenue Secretariat

File No. 361 of 192 8

Serial No.	
	[illegible]
6	To The Registrar c/o 2348-D/26, 4-27 Collector's Record - Bangalore Karaga proceedings

B
W
7/4

REPLY

(To be written on this margin)

OFFICE OF THE FIRST MEMBER OF COUNCIL.

NOTE

Dated 10th April 1929.

M 362

Reference:- Appeal petition of Unisvami.

The order appealed against is not produced. This order appears to be that of the Deputy Commissioner and the party has therefore to make his representation to the Muzrai Commissioner. These points may be intimated to the appellant's Advoc endorsement today

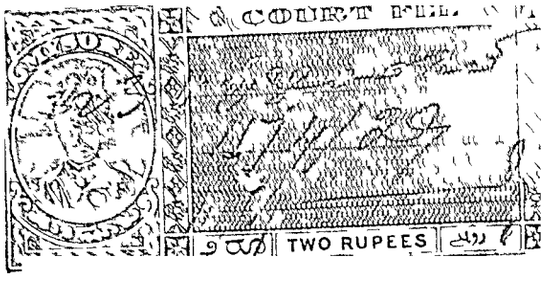
GEN. & REV. SECRETARIAT
1 APP 1929
MUZRAI

D 1561.

Financial(Muzrai) Secretary
with compliments.

Mr. endt Dated

PTO



Before the Government of His
Highness the Maharaja of
Mysore Bangalore

Murzban Appeal No 9/28-29.

Appellant Munivenkatappa
aged 40 years Hindu
Gowdatta. Vakkaleru
Kula Nigalaru
Ket Bangalore
city.

v/s

Respondent Sreeramayya
aged 40 years Hindu
Gowdatta Vakkaleru
Kula Nigalaru
Ket, Bangalore
city

The appellant begs to state as
follows:-

1) That the appellant has been carrying Karaga during the Karaga Mahotsava ceremony at Bangalore city uninterruptedly for 15 years. That the appellant belongs to the Gowdachar Section amongst the Community.

Prior to that one

Bhimanna, who was the descendant of one Papanna, the profession was carrying the Karaga. And after his death one Papanna, another cousin of this Bheemanna was the only person left in the family. As after his death, his son one Abbi Ramaya is now the only person living. After Abbi Ramaya was not strong in body, and was head did not possess full mental powers the function of carrying Karaga was given over to the present holder, who belongs to the Gauda Chari section.

2) That the original profession of Papanna's Arjunatta had a Kudike wife Nolasamma by name by whom one person by name Papanna was born. Some thirty years back, one Munibalatta grandson of the above Arjunatta by his Kudike wife applied to the Dalvoy Amildar against Papanna, who were the grandsons of one Papannabhatta of Arjunatta, and born of his lawfully wedded wife. Mr K. G. Shamanna the then Amildar passed an order on 2-1-1900, that this Karaga should be carried by persons belonging to Papanna descendants, and not to Arjunattas descendants, as they were born of Kudike wife and as it was against the

3) Afew days back

Arjunatta and Bheemanna Gowda of
Kumbalatta against an order
had already been passed as herein be-
fore stated to the Kudike Sanchaya,
passed a petition before the Sub-Division
Officer that they should be given the
protection of the Sanyasi Karaya
the Sub-Division officer acting to
the orders passed by the R.D. Shamanna
ordered that Arjunatta should carry
the Karaya. Upon that they
appeal to the Deputy Commissioner who
ordered that a third person by name
Sreekantaiya should carry the
Karaya. The appellant and others
appealed to the Mysore Commissioner,
who without hearing any orders sent
it for disposal to the Deputy Commis-
sioner who has again confirmed his
original orders.

1) The appellant begs to state
that the learned Deputy Commissioners
orders works to the great prejudice
the appellant and his community
as a person who does not belong to the
Gaya achari school has been given the
powers of carrying Karaya.

2) The appellant has been
doing this duty for a period of nearly
15 years, without any complaint
and to the entire satisfaction of the
Community as well as the public and
there is no reason as to why this man
should be removed from his duty and an-
other Naranya who has no manner of
connection with the Gaya family of

pointed for the place.

3) If really there was such an ill-blood between the family by which a suit wedded with another kindred family, the deputy commissioner could very well have continued the present appellant till the decision of the rights of either family.

4) The business of carrying Karaga requires great practice and skill, and if by any untoward chance, the Karaga falls, it will be considered as a matter of great ill omen, and will highly injure the religious susceptibilities of the Hindus.

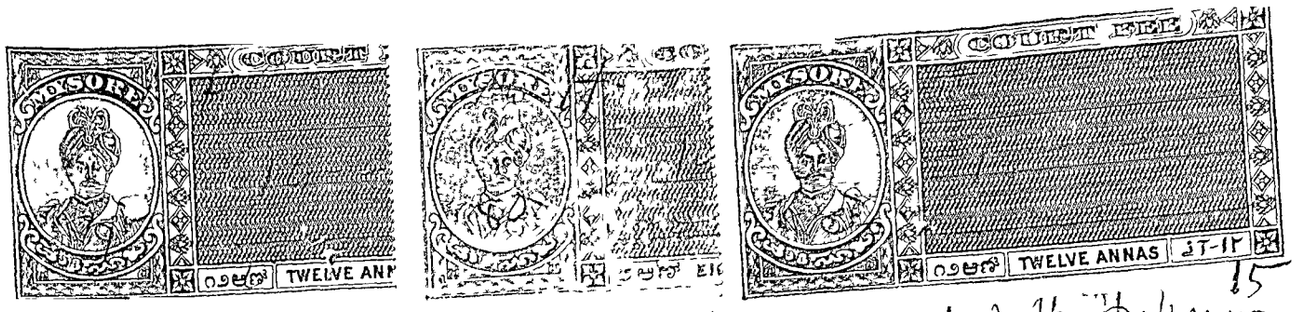
5) That the guards of the community are willing to co-operate in the matter.

6) After the proceedings have commenced in summons, the appellant is unable to produce the orders of the lower courts, and hence the same subsequently.

7) Wherefore the appellant prays that this Hon'ble Government might be pleased to direct that the appellant should according to custom carry the Karaga, and direct that all parties proceedings excluding the respondent Sreeramappa to carry the Karaga should be stayed until the decision of this suit.

Bangalore
15-3-79

[illegible]



15

Before the Government of His Highness
the Maharaja of Mysore at Bangalore.

Appellant

1928-ನೇ

ವಾದಿ ಯಾ ಅರ್ಜೀದಾರ್.

ಪ್ರತಿವಾದಿ ಯಾ ಅಪ್ಪೋನೆಂಟ್.

Munivenkatappa V. S. Sreeramayya

ಮು|| ರಾ|| H Sreenivasa Rao M.A.L.L.B
Advocate
Appellant

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪ್ಪೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿನ ವುದಕ್ಕೂ, ನನ್ನ ವರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿ ಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ವಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ವಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ಗಟ್ಟಿಯಾಗಿ ರಿಂಗುನ್ನೋಮಪ್ಪ.

ತಾರೀಖು 15/3/29 ರುಜು

ಈ ಮೊಖ್ತ್ಯಾರು ನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮುಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

15/3/29

ಈ ಮೊಖ್ತ್ಯಾರು ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

H Sreenivasa Rao
Adv for Appellant
15/3/29

ಜೆ. ಕೆ. ಜೋಷಿ ಬ್ರದರ್ಸ್,
ಕಮರ್ಷಿಯಲ್ ಪ್ರಿಜಂಟ್ಸ್, ಬಳೇಪೇಟೆ. ಬೆಂಗಳೂರು ಸಿಟಿ.

M P PRESS. B. CITY.

No. C. 1660/28-29.

Office of the Muzrai Commissioner in Mysore,
Dated Bangalore, 15th April 1929.

For perusal
18/4 Member
15/4/29

From

P.G. D'Souza Esq., B.A., B.L., 16/4/29 29 No 6364
Muzrai Commissioner in Mysore.

To

The Deputy Commissioner,
Bangalore District.

S i r,

With reference to your letter No. C.C.A.2/28-29 dated 14th April 1929 regarding the arrangements to be made for carrying on the Karaga festivities this year, I have the honor to state that as it has not been possible to bring the two parties concerned to a proper understanding, and as it is necessary that the Karaga festivities should not be stopped as other communities besides the Thiglars participate in the ceremonies, the only alternative seems to be the one that you suggest, viz., to entrust the entire festivities to the party that has a predominant majority, and action may be kindly taken accordingly. It is to be understood that any arrangements ordered by you on this occasion will be of a purely temporary character and will not interfere with the result of the enquiry ordered by you already under the Muzrai Regulation.

2. In regard to the qualifications required for the persons to perform the pooja and to carry the Karaga, I am enclosing herewith the opinion of the Agamiks, Vaishnavite and the Sivaite.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- P.G. D'Souza,
Muzrai Commissioner.

No. C. 1660/28-29.

Office of the Mysore Commissioner in Mysore,
Dated Bangalore, 15th April 1929.

From

P.G. D'Souza Esq., B.A., B.I.,
Mysore Commissioner in Mysore.

To

The Deputy Commissioner,
Bangalore District.

With reference to your letter No. C.C.A./28-29 dated 14th April 1929 regarding the arrangements to be made for carrying on the Karaga festivities this year. I have the honour to state that as it has not been possible to bring the two parties concerned to a proper understanding, and as it is necessary that the Karaga festivities should not be stopped as other communities besides the Thigalas participate in the ceremonies, the only alternative seems to be the one that you suggest, viz., to entrust the entire festivities to the party that has a predominant majority, and action may be kindly taken accordingly. It is to be understood that any arrangements ordered by you on this occasion will be of a purely temporary character and will not interfere with the result of the enquiry ordered by you already under the Mussal Regulation.

2. In regard to the qualifications required for the persons to perform the pooja and to carry the Karaga. I am enclosing herewith the opinion of the Agamika. Vaidhanavite and the Sivaite.

I have the honour to be,
Sir,
Your most obedient servant

Sd/- P.G. D'Souza,
Mussal Commissioner.

C 1660/28-9 — 15-4-29

Two

Memo.

Copy is forwarded with compliments to the Financial Secretary to Government, with a copy of the Deputy Commissioner's letter, together with a copy of the petition of the Agamiks.

15

Luzrai Commissioner.

10.1575

As reported by the Amildar and Sub Division Officer, the ie of least resistance is to allow Sree Ramalu to perform the puja a carry Karaga since the other side has voluntarily refused to do uja and I am also of opinion that bifurcation was not the mamool nd it is unsafe to keep the two opposing elements in the same group in the interest of the public tranquility. It may also be mentioned that there is nothing unusual for a 'savoite' to be converted to 'vishnavitu' and instances of this kind are of daily occurrences. If it is objected that Sree Ramalu is a saivaite, he says that he is a visnavite. It is a well-known history that Sree Ramanuja converted men of other cults to his religion and all are known as Sree Visnuvas. However, as it is directed in the concluding portion of your order that the "Deputy Commissioner will make suitable arrangements for carrying on the function for the current year in accordance with established religious practice and mammul...." I find it rather impossible to hold an enquiry into the religious aspect in so short a time as pointed out by the Sub Division Officer.

The Amildar reports that a 'purohit' is already been putting Sree Ramalu through the connected exercises and it is not unlikely as suggested by the Chairman of Dharmadarsis that the mammul purohit will resume his work and join the function when he comes to know that he will lose his emoluments if he does not co-operate. At any rate as I have no facility to be guided in giving a finding on the religious aspect of the case, I request you to kindly consult your Agmics and give an authoritative decision in the matter in the course of this day as to who should carry Karaga as it happens to be the last day.

Mr. Ramiah and myself had been to your place yesterday to report the situation, but we were told that you would be returning only on Monday morning. The Amildar, Sub Division Officer and Mr. K.H. Ramiah have made it clear that the majority of the community (70 p.c.) are against Ganacari carrying the Karaga and it is a hard task perhaps attended with physical force to bring him back and re-institute him against the will of overwhelming majority.

". Copy "

Letter No. C.C.A.2/28-29 dated 14th April 1929 from the Deputy Commissioner, Bangalore District, to the Muzrai Commissioner in Mysore.

With reference to the order No. Dis. 244/28-29 dated 11-4-1929 passed in Appeal No. 44 of 28-29 in the matter of the right to carry Karaga and do puja in the Temple of the Sri Dharmaraya swamy at Bangalore, I have the honor to submit herewith the report of the Amildar and the Sub Division Officer for favour of information and to state that when Gana Chary's party represented that they could not propose any other person for carrying the Karaga excepting Gana Chari but they could propose three names for performing puja, the other party proposed three names and Sree Ramulu was selected as it was stated that his family had traditional privileges and rights in the temple and that his elders were carrying Karaga. No objection was raised by the opposite side when this selection was announced that he was a 'sevoite'and not a 'vishnovite' and that his selection was opposed to "religious practice and mamool" As the appeal petition filed by the appellants is not before me I am unable to say on what grounds selection of Sree Ramalu has been criticised. Gana Chari was removed from the temple charge three months ago under the orders of the Sub Division Officer. When his brother was selected to perform puja, in my Court, he declined to resume the duties on the ground that sole possession of the temple should be entrusted to him. These tactics of Gana Chary's party were obviously to keep out the rival party with a view to monopolise the other function, i.e., carrying karaga also to themselves. The minority will rather see the festival stopped than allow the majority to carry the karaga.

Another attempt was also made to bring an outsider from Hosakote to perform the function, but this was also resolutely opposed by both the parties. Gana Chary's party thinks that the order of the Muzrai Commissioner is in their facour and they have been very obstinate and unyielding to any suggestion for a compro

In the Court of the Inzrai Commissioner in Mysore.

Appellants:- Chick Munipapayya and other Thiglars, residing near Dharmaroya temple, Tiglarpet, Bangalore.

- Vs -

Respondents:- 1. Doddhananna, 2. Chickshamanna. } sons of Papayya, both Tiglars, residing in Tiglarpet, Bangalore City.

Subject:- Appeal (No.44 of 28-29) dated 4th April 1929 against the order of the Deputy Commissioner, Bangalore District in the matter of the right to carry Karaga and do puja in the temple of Sri Dharmaroyaswami at Bangalore.

Order No. D, Dis 244/28.29 dated 11.4.29.

The Deputy Commissioner has rightly remanded the case on the ground that the enquiry held by the subordinate in which the Sub Division officer has recognized the claims of the respondents to the office is not in accordance with the Inzrai Regulation. The effect of this decision is that the adjudication in favour of the respondent is not active and it is not possible to allow them to take up the office until their claim is properly established. As the Karaga festival is very near the Deputy Commissioner in order to see that the current year's ceremonies did not come to a stop owing to disputes between the parties endeavoured to effect a settlement by which according to the records, the two parties should give three names out of which one was to do the puja and the other to carry the Karaga in accordance with which it is stated that one Muniswami alias Ganesha was to do the puja and one Sreeramaiya to carry the karaga. The latter appointment is strongly contested. It is not clear how many of the petitioners before me were parties to the proceedings before the Deputy Commissioner, but as they claim to represent 'All thiglars residing near Dharmaraya temple, Bangalore City' it is more than likely that many of the persons who appeared before me were also connected with the proceedings before the Deputy Commissioner though in order to get over the settlement before the

Deputy Commissioner, the signatories are different [illegible] strongly urged on behalf of the party in favour of the respondents that the petitioners are not competent to contest the order of the Deputy Commissioner in appeal if they were not parties to the proceedings before the Deputy Commissioner and object to the agreement on that score or if they were as they had agreed that there would be no appeal in respect of the arrangement entered into before the Deputy Commissioner. There is much force in the argument. The appellants, if their case is that the persons who entered into the agreement had no authority to bind the members, should really apply to the Deputy Commissioner, or if they wish to attack the agreement on any ground, they do so before the Deputy Commissioner. The Counsel for the appellants however did not take up the position that the petitioners before me had nothing to do with the persons that agreed before the Deputy Commissioner. His argument was that in such an important matter, as the appointment of a man to carry the [illegible] an entirely new innovation, should not be introduced and a person who was [illegible] should not have been appointed. All these matters they should say before the Deputy Commissioner.

To avoid a dead lock, I tried to see if some understanding could be reached by asking some of the leading Municipal Councillors and others to interest themselves, but both parties are obdurate.

In these circumstances, if the arrangement ordered by the Deputy Commissioner merely involved a temporary interference with the rights of one of the parties, I should not have interfered as the final rights of the parties will be settled when the case remanded by the Deputy Commissioner is disposed of. It has however been urged before me that the performance of the puja and the carrying of the Karaga cannot be separated and the arrangement made before the Deputy Commissioner is not in accordance with ~~xkx~~ mamool. From the records in the case, I do not find any previous instance where the two functions have

been so split up and [illegible] between the two parties as to leave room for conflict as during the interval pending the settlement of the dispute and contact between the two persons cannot be avoided.

The best plan in these circumstances would have been to allow Sardar Lingadappa who has come to puja and carried the kadaga for the last 10 years to do so this year in which he may have no hereditary right, but the party of the respondents object to it.

The case will be referred back to the Deputy Commissioner with a direction that some arrangement that does not involve a division of the functions should be made for the current year if possible by mutual agreement of the parties. Mr. K.H. Ramayya as amicus curiae kindly offered to render his assistance in arriving at a settlement. As no settlement is reached, the Assistant Commissioner will make a local enquiry and pass an order regarding the functions for the current year in accordance with established policy keeping in view the fact that neither party persons declined to violate the law.

9-4-1929.

Sd/- [illegible],
Muzrai Commissioner.

Memo.

Copy of the above is forwarded with compliments to the Deputy Commissioner, Bangalore District, for information and needful action.

The records received with his letter No.
dated are herewith returned.

For Muzrai Commissioner.

In the Court of the Deputy Commissioner,
Bangalore District.

Muzrai Appeal No.14/28-29.

Appellants:--

1. K. Munisamappa,
2. P. Munisamy.
3. P.Nanjappa,
4. Narayanappa,
5. Rangappa,
6. Muniyallappa,
7. Yarrappa Gowda.
8. Gurukappa
9. Ganachari Munisamappa,
10. Venkataramanappa alias Shamanna,
11. Venkategowda, Bangalore.

Respondents:--

1. Dodda Shamanna alias Arjunappa.
2. Chikka Shamanna alias Bhimanna, Bangalore City.

Subject:--

Appeal against the order of the Sub Division Officer, Bangalore appointing the 1st Respondent as Archak of Sri Dharmarayaswamy temple at Halsurpet, Bangalore City.

O r d e r .

This is a dispute relating to the performance of worship and carrying Karaga in the temple of Sri Dharmarayaswamy temple situated in Halsurpet, Bangalore City. The dispute seems to have originated in the year 1900 which was disposed by the then Amildar Mr. K.G.--- Shamanna by passing an order declaring the ineligibility of the -- brother of the Respondents to hold the office of the Pujari, but -- admitting his claim to a share in the Kanike. This order was not appealed against. It is doubtful if any elaborate enquiry was made by the Amildar as regards the custom prevailing in that community pertaining to the position of the children born to Kutike wife. However this order does not seem to operate Res judicata on the -- Respondents in so far as they were not made parties to the same. The enquiry was again started in the year 1927 by the Amildar and it is seen from the records that all the statements have been recorded by the clerk and some statements have been recorded in the form of --- Mahazar, 4 or 5 persons signing the same statements. This procedure is opposed to the provisions of the Civil Procedure Code as well as the Revenue Code relating to the recording of evidence.

The latter recognised two kinds of enquiries, viz., summary and regular. In both the enquiries the statements or the substance of the evidence of the parties has to be taken down by the officer holding the enquiry. If this is not done, I believe the entire proceedings become null and void. In these circumstances I remand the case to the Sub Division Officer for holding a further enquiry himself under the Muzrai Regulation in conformity with the procedure laid down in the Land Revenue Code and pass suitable orders in the matter. It is to be regretted that the Sub Division --- Officer has not noticed the flaw in the enquiry held by the Amildar and has passed his orders on the records submitted by the Amildar without scrutinizing the same. At this stage, I do not wish to make any ---- observation on the merits of the claims advanced by the Respondents and also on the point of limitation as it will hamper the discretion to be exercised by the Sub Division Officer.

It is to be observed that the 5th appellant was appointed by the Amildar. The order of his appointment is not forthcoming and it is not possible to find out when he was appointed and whether he was appointed as Gumasta or a subsidiary for ever. This matter has also to be sifted.

Pending the final disposal of the case, it was thought best to pass an interlocutary order to allay the excitement prevailing in the community which has ranged itself into two factions. As agreed to by the parties a temporary order has been passed for conduct of puja and carrying Karaga at the ensuing Kargx Karaga festival. The Sub Division Officer is requested to give effect to this order. He is also requested to complete the -- enquiry as early as possible as this appears to be a very old dispute.

8th March 1928.

(Intd.) A.K.S.Taj Peeran,
Deputy Commissioner.
Bangalore District.

To

The S.D.O.
Bangalore Division.

Before the Deputy Commissioner, Bangalore District

Muzrai Appeal No.14/28.

Appellants.- K. Munisamappa and 10 others.

Respondents.
1. Dodda Shamanna alias Arjunappa.
2. Chikka Shamanna alias Bhimanna, Bangalore City.

Subject.

Appeal against the order of the Sub Division Officer, Bangalore appointing the 1st Respondent as Archak of Sri Dharmarayaswamy temple at Halsurpet, Bangalore City.

Order.

As the enquiry held by the Sub Division Officer is incomplete, the case will be remanded to the Sub Division Officer for further -- enquiry and disposal. Pending such order and as agreed to by both parties, Muniswami alias Ganesha is appointed to perform puja in the temple and Sreeramaiya to carry Karaga until the final orders are -- passed by the Sub Division Officer.

10-3-1929.

(Intd.) A.K.S.I.P.

Deputy Commissioner,
Bangalore District.

In the court of the Deputy Commissioner of Bangalore District

Muzrai Appeal Case No.14/1928-29.

Petitioners	Counter-petitioners
Venkategowda and others Bangalore City.	Agama Shamiraja and Chinna Channappa, Bangalore City.

Re the appointment of the archak for the Sri Dharmarayaswami temple Bangalore City and another man for carrying Karaga during the ensuing Karaga festival.

O r d e r.

Heard the counsel for the petitioners. The arrangements made by the Amildar are very suitable under the present circumstances. If the petitioners are not agreeable to abide by this decision, they will be restrained from entering into the temple in the interest of preserving public peace.

Dated 1-4-1929.

(Sd.)A. K. Syed Taj Peeran,
Deputy Commissioner.

మేము క్రింద సంతకాలు చేసినవారు మన ఇద్దరికి తగిన ఇష్టాగోష్ఠి
గురించి వ్రాయునది —

ఈ కోర్టులో రుజు గుర్తింపబడిన ఉన్నతాధికారుల
ఖరీదైన అభిప్రాయం అనగా :—

ఇరువురి ఖర్చులతోను ఉల్లాసంగా కలిసి ఉండుటకు
గురుత్వ స్నేహ సంబంధం వల్ల సాధ్యమగును ఈ రెండు సంగతులు
ఖీర్తిని కర్తవ్యమని విభేదించిన వీరిద్దరి ఇష్టాగోష్ఠి
కుటుంబ సంబంధమును ఇరువురి సాధ్యమగుటకు ఈ విభేదాభిప్రాయములు
సాక్ష్యవిధిగా ఎనుబది ఎంతయు విభేదించి మీరిద్దరు
సాధించుట. ఈ ద్వేషపు సంబంధమున ప్రేమాభివృద్ధి ఉన్న
యుక్తమైన మంచి ద్వేషమైనది. స్నేహం పెరిగి మీరంతా
కష్టమగును- ఇరువురి స్నేహం పెరిగి సంతోషకరంగా చిత్రిస్తా
మీ- ఈ స్నేహంలోనున్న మీ భర్తలకు వీరు యుక్త కర్తవ్యం చిత్రిస్తా
మీ- ఆ యుక్తిని శ్రేష్ఠ, శ్రేష్ఠ కష్టాలలో మీరు ఇరువురు
కుటుంబంలో ప్రేమలు నీవు మీ కష్టసుఖాలను ఒకరు చెప్పినదానిని మరొకరికి చెప్పకుండా
ఇరువురు ప్రేమలో ఉన్నట్లు యుక్త కర్తవ్యమగును- యుక్త తరుణాన్ని మీకు
కర్తవ్యమగును —

మీకే ఆత్మీయ సాహచర్యాభిలాషి

మీకే సంతోషకరమైన

ఆత్మీయుడు-

15-4-29

Copy

Appendix F G—1

SUBJECT..... .....

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Diary No. of letter replied to.....

Section

File No.

Serial No.

No.

General and Revenue Secretariat

( )

the *192*

To

....

Date of issue 15/6/27

Signed by .....

With ref to appeal petition Dy 15.3.27 presented on behalf of Nga. Ca. Muniswami regarding the ensuing Karaga festival, Mr. H. Srinivasa Rao, Adl. is informed that the order refd. to by him is that of the Dy. Comr., Bangalore, and the party has therefore to make his representation to the Muz Comr

st of enclosures.....

Copied by.....

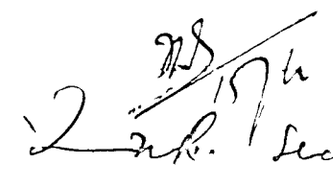
Examined by.....

over

WD 0399—GPB—20,000—18-9-28

in the first instance -

B O



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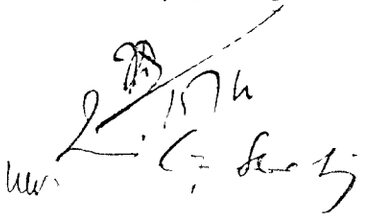

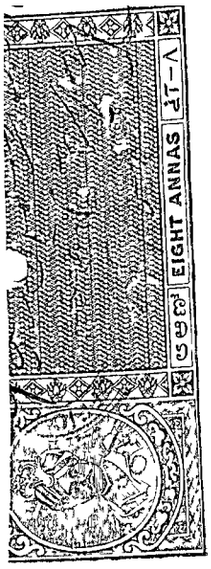

M 364

The stay order was issued. The matter has been considered in view of the fact that the MC has been by the time by the records called for

In the Court of the Sudder Commissioner in Mysore and Coorg

Bangalore Dated 18th April 1929

Appellants :- Chickmunisami and others

Digulars

Respondents :- Doddhanamma

Chickthamanna

Subject :- Appeal No 44 of 28-29 dated 4-4-1929 against the order of the Dy Comr Bangalore District in the matter of the right to carry Karaga and do puja in the temple of the Sri Dharmarayaswamy at Bangalore.

2 Order No of dis 264 of 28-29 dated 11-4-1929 passed in this Office on the subject.

3. Letter No C.C.A 2/28-29 dated 14-4-1929 from the Deputy Commissioner Bangalore District

Reporting on the order

Vic

Order No. Dy. Dis 2466-28-29
Dated 15/16-4-29

As the Deputy Commissioner reports that it has not been possible to bring the two parties concerned to a proper understanding, and as it is necessary that the Karaga festivities should not be stopped, as other communities besides the Dhigalars participate in the ceremonies, the only alternative seems to be the one suggested by the Deputy Commissioner viz to entrust the entire festivities to the body that has a predominant majority. Action may be taken accordingly. It is understood that any arrangement ordered to be made on this occasion will be purely temporary character, and will not interfere with the results of the enquiry ordered already by the Dy Commissioner under the Madras Regulation

Copy applied for 16.4.29
Copy ready 16.4.29
Copy delivered 16.4.29
Two Pages 217
Copying & Comparing 6-76
Compared by - Kishnamachi

(Sd) P.G.D'Souza
Asst. Commissioner

Copy

Asst. Commissioner

Appendix F G--1

SUBJECT..... .....

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Diary No. of letter replied to.....

Section

File No.

Serial No.

No.

General and Revenue Secretariat

( )

the *192*

To

..... The Hony Collr .....

Date of issue 19-4-29

Sir

Signed by ..... I am directed to

~~request you to~~ forward ~~the~~

~~above records from your file~~

~~& that of your Subordinate~~

herewith ~~officers~~ appeal petition of Chick muni Gowda & other Nyalars ~~have~~

~~appealed~~ against your

st of enclosures..... order No Dr Dis 2469-28-29

dt 16-4-1929 in the matter

Copied by..... of Paper and carrying on Karaga at Bangalore

during the ensuing Karaga

Examined by.....

over

questions, and to report back to the Senate with such of the testimony
a record connected with the case as the Committee may deem necessary
to the proper disposition of the appeal.

The appeal petitioner ~~is entitled to~~ may be
~~heard personally~~ represented by counsel
in connection with the records.

I have,

[signature]
1874

M. C 13]

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ..20.th....April..... 192 9.

No. 1709 Enc Six Four files 28-4 & the appl Ptn Muz 361 D. 28-4. D. 15-96

FROM

P. G. D'Souza, Esq., P.A., P.L.,
~~The~~ Muzrai Commissioner in Mysore.

SECRETARIAT
22 APR 1929
MUZRAI

IMMEDIATE.

...sa Iyengar, Esq., P.A., P.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

2044/29

SIR,

As desired in your letter No.2272/Muz.361-28-3 dated the 19th instant, I have the honor to forward the four files of records relating to the Bangalore Karaga received to-day from the Deputy Commissioner, Bangalore and the two files of this office on the subject.

The appeal petition and its enclosures are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

MUZRAI COMMISSIONER.

Appendix F G–1

SUBJECT..... .....

.....

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Diary No. of letter replied to.....

Section 1 - 3

File No. 3 1 - 8

Serial No. 6

No. 2 1 1

General and Revenue Secretariat

( )

the *192*

To

..... Muz.. e.....

Date of issue 21.

Signed by .....

Sir

I am directed to ...

...

...

Appendix F G -1

SUBJECT.....

.....

.....

Section Survey

File No. 361 - 38

Serial No. 5

Diary No. of letter replied to.....

No.

General and Revenue Secretariat

( )

the *192*

To

.....

Date of issue.....

Signed by .....

[illegible] ~~[illegible]~~

[illegible] Kanga festivities at Bangalore etc, Mr. Sreenivasa Rao, is informed that there are no reasons to interfere with the orders passed by the Mysg. Govt. for arranging for the functions on the present occasion.

This Case is under enquiry by Mr Asst Director of Archaeology under his ordered by Mr D[illegible]

List of enclosures.....

Copied by.....

Examined by.....

over by me

WD 0399—GPB—20,000—18-9-28

2344 Q. 24-4-[illegible] copy to me. C

23/4